

THE FOLLOWING GREENWOOD COMMON COUNCIL ORDINANCE WILL BE INTRODUCED AT THE SEPTEMBER 18, 2006, MEETING, WITH FIRST READING AT THE OCTOBER 2, 2006, MEETING, AND SECOND READING AT THE OCTOBER 16, 2006, MEETING **PLEASE NOTE THIS ORDINANCE IS SUBJECT TO AMENDMENTS BY THE COMMON COUNCIL.** IF YOU WISH TO SEE THE ADOPTED ORDINANCE PLEASE CONTACT THE CLERK-TREASURER OFFICE AT (317) 888-2100 OR VIA E-MAIL AT CLERK@GREENWOOD.IN.GOV FOR AN EXECUTED COPY AFTER THE SECOND READING.

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 06-37

AN ORDINANCE ANNEXING CERTAIN TERRITORY WITHIN THE AREA OF EXTENDED JURISDICTION OF THE CITY OF GREENWOOD, INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING THE SAME A PART OF THE CITY OF GREENWOOD AND REDEFINING THE CORPORATE BOUNDARIES OF THE CITY OF GREENWOOD, INDIANA, APPROXIMATELY 3.16 ACRES LOCATED AT 399 EAST COUNTY LINE ROAD (commonly known as the Nicley Property)

WHEREAS, the Greenwood Plan Commission conducted a public hearing on the voluntary petition for annexation of approximately 3.16 acres located at 399 E. County Line Road; and

WHEREAS, the Greenwood Plan Commission has given a **favorable recommendation** (7 – 0) regarding said annexation petition; and

WHEREAS, in connection with I.C. 36-4-3-3.1, I.C. 36-4-3-13 and Greenwood Common Council Resolution No. 86-2, as amended, a written fiscal plan has been prepared by the City's Director of Planning, Zoning, Research and Development for said annexation; and

WHEREAS, this parcel is located in the Greenwood Plan Commission's area of extended jurisdiction and the petitioner is requesting rezoning from the current R-2 – Residential – Single Family use to C-1 – Commercial – Neighborhood Shopping use by Greenwood Common Council Ordinance No. 06-36; and

WHEREAS, the Commission requested, and the Owner agreed to, the following commitments:

The following land uses in the C-1 Commercial – Neighborhood Shopping Zoning Classification shall be prohibited:

- Multi-Family Dwellings (8 units/building Maximum)
- Multi-Family Dwellings (No Maximum limit)
- Attached Single-Family Dwellings (Cluster dwellings)
- Mobile Home Parks
- Home Occupations
- Mobile Home Park Management Office
- Mobile Home Park Sales Lot or Office
- Apartment Management Office
- Temporary Construction or Real Estate Office
- Dormitories, Fraternities, Sororities
- Vineyards and Orchards

Wildlife Preserves
Nature Preserves
Conservation District
Public Swimming Pools
Parking Lots
Parks or Playgrounds
Golf Courses and Driving Ranges
Cemeteries
Funeral Homes
Boarding House
Fire or Police Stations
Temporary or Seasonal Uses (Circus, Fair, Camp, etc.)
Transportation Facilities (bridges, Fords, Railroads)
Water Management Facilities (Dam, Dikes, Canals)
Utility Treatment or Generative Facilities
Group Homes (IC 16-13-21-12 Dev. Disabled)
Group Homes / all other group homes
Agricultural - elevator, feed mill, fertilizer, other services
Roadside Produce Stand
Forestry Preserve
Fishing, Hunting, Trapping
Construction Special Trade Contractors
Railroad Line-Hauling
Public Warehouse
U.S. Postal Service
Pipelines, except natural gas
Electric, Gas, Sanitary Services
Nursing Home, Personal Care Facilities
Hospitals
Museum, Art Gallery, Botanical and Zoological Gardens

WHEREAS, the area to be voluntarily annexed into the City includes a portion of or is contiguous to certain portions of the roadway(s) known as County Line Road; and

WHEREAS, the Greenwood Common Council conducted a public hearing concerning the passage of this annexation ordinance prior to its adoption,

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. In accordance with IC 36-4-3-1 et seq. which authorizes the Common Council to declare and define the corporate boundaries of the City of Greenwood, Indiana, said corporate boundaries are hereby extended so as to include the following property commonly known as the Nicley property, Greenwood, Indiana, and generally located at 399 E. County Line Road, which falls within the following described boundaries, and the real estate located within said boundaries is hereby annexed to and made a part of said City:

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID QUARTER QUARTER SECTION; THENCE SOUTH ON AND ALONG THE EAST LINE OF SAID QUARTER QUARTER SECTION 1344.4 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE WEST ON THE SOUTH LINE OF SAID QUARTER QUARTER SECTION 315.76 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID QUARTER QUARTER SECTION 552.00 FEET THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID QUARTER QUARTER SECTION 157.88 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID QUARTER QUARTER SECTION 791.88 FEET TO THE NORTH LINE OF SAID QUARTER QUARTER SECTION; THENCE EAST ON AND ALONG SAID NORTH LINE 157.88 FEET TO THE PLACE OF BEGINNING, **CONTAINING 6.875 ACRES**, MORE OR LESS.

ALSO:

A PART OF THE NORTHWEST QUARTER, NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, JOHNSON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER, NORTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 87 DEGREES 45 MINUTES 35 SECONDS WEST ON AND ALONG THE NORTH LINE OF SAID QUARTER QUARTER SECTION A DISTANCE OF 157.88 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 00 SECONDS EAST A DISTANCE OF 351.27 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 01 MINUTES 00 SECONDS EAST A DISTANCE OF 377.92 FEET; THENCE SOUTH 87 DEGREES 48 MINUTES 16 SECONDS WEST A DISTANCE OF 54.15 FEET TO A POINT ON THE EAST LINE OF TWIN OAKS SUBDIVISION FOURTH SECTION AS RECORDED IN PLAT BOOK C, PAGE 482, IN THE OFFICE OF THE RECORDER; THENCE NORTH 02 DEGREES 11 MINUTES 44 SECONDS WEST ON AND ALONG SAID EAST LINE A DISTANCE OF 377.60 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION; THENCE NORTH 87 DEGREES 45 MINUTES 35 SECONDS EAST A DISTANCE OF 68.52 FEET TO THE POINT OF BEGINNING, **CONTAINING 0.532 ACRES** MORE OR LESS.

- EXCEPTING THEREFROM THE FOLLOWING:

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SAID QUARTER QUARTER SECTION; THENCE SOUTH 87 DEGREES 45 MINUTES 35 SECONDS WEST ON AND ALONG THE NORTH LINE THEREOF A DISTANCE OF 315.76 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 55 SECONDS EAST A DISTANCE OF 792.17 FEET TO THE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 56 MINUTES 55 SECONDS EAST PARALLEL TO THE SOUTH LINE OF SAID QUARTER QUARTER SECTION A DISTANCE OF 200.00 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 00 SECONDS EAST PARALLEL TO THE EAST LINE OF SAID QUARTER QUARTER SECTION A DISTANCE OF 248.43 FEET; THENCE SOUTH 87 DEGREES 48 MINUTES 16 SECONDS WEST A DISTANCE OF 200.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 55 SECONDS WEST A DISTANCE OF 248.94 FEET TO THE POINT OF BEGINNING. THE ABOVE TRACT **CONTAINS 1.141 ACRES**, MORE OR LESS, ACCORDING TO A SURVEY DATED MAY 23, 1990.

ALSO EXCEPTING:

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, JOHNSON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER, NORTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 00 DEGREES 00 MINUTES 57 SECONDS EAST ON AND ALONG THE EAST LINE OF SAID QUARTER QUARTER SECTION A DISTANCE OF

729.32 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 00 MINUTES 57 SECONDS EAST ON AND ALONG SAID EAST LINE A DISTANCE OF 611.41 FEET TO THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION, ALSO BEING THE NORTHEAST CORNER OF COLONIAL SPRINGS SUBDIVISION SECTION ONE, AS RECORDED IN PLAT BOOK 7, PAGE 31, IN THE OFFICE OF THE RECORDER; THENCE SOUTH 87 DEGREES 48 MINUTES 11 SECONDS WEST ON AND ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 301.58 FEET TO THE SOUTHEAST CORNER OF MEADOWGLEN SUBDIVISION, FIFTH SECTION, AS RECORDED IN PLAT BOOK C, PAGE 369 AND 370; THENCE NORTH 00 DEGREES 00 MINUTES 55 SECONDS WEST A DISTANCE OF 190.14 FEET; THENCE SOUTH 87 DEGREES 48 MINUTES 11 SECONDS WEST ON AND ALONG SAID LINE A DISTANCE OF 14.18 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 55 SECONDS WEST ON AND ALONG SAID EAST LINE A DISTANCE OF 110.06 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION, ALSO BEING A POINT ON THE SOUTH LINE OF TWIN OAKS SUBDIVISION- FOURTH SECTION AS RECORDED IN PLAT BOOK C, PAGE 482; THENCE NORTH 87 DEGREES 48 MINUTES 16 SECONDS EAST ON AND ALONG THE SOUTH LINE OF SAID SUBDIVISION PROJECTED A DISTANCE OF 200.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 40 SECONDS WEST A DISTANCE OF 248.43 FEET; THENCE SOUTH 87 DEGREES 56 MINUTES 55 SECONDS WEST A DISTANCE OF 42.12 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 00 SECONDS WEST A DISTANCE OF 62.69 FEET; THENCE NORTH 87 DEGREES 48 MINUTES 16 SECONDS EAST A DISTANCE OF 157.86 FEET TO THE POINT OF BEGINNING, **CONTAINING 3.000 ACRES** MORE OR LESS.

ALSO EXCEPTING:

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, PLEASANT TOWNSHIP, JOHNSON COUNTY, INDIANA, BEING A PART OF THE ERVIN AND ENID E. NICLEY PROPERTY RECORDED IN BOOK 151, PAGE 16, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 NORTH, RANGE 4 EAST, THENCE SOUTH 00 DEGREES 00 MINUTES 55 SECONDS EAST ALONG THE EAST LINE OF SAID QUARTER QUARTER SECTION 1344.4 FEET TO THE SOUTHEAST CORNER; THENCE SOUTH 87 DEGREES 48 MINUTES 11 SECONDS WEST ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION 301.58 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 48 MINUTES 11 SECONDS WEST ALONG SAID SOUTH LINE 14.18 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 55 SECONDS WEST PARALLEL TO THE SAID EAST LINE 190.14 FEET; THENCE NORTH 87 DEGREES 48 MINUTES 11 SECONDS EAST PARALLEL TO THE SAID SOUTH LINE 14.18 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 55 SECONDS EAST PARALLEL TO THE SAID EAST LINE 190.14 FEET TO THE POINT OF BEGINNING.

NOTE: THE ABOVE TRACT **CONTAINS 0.062 ACRES**, MORE OR LESS, ACCORDING TO A DESCRIPTION.

ALSO EXCEPTING

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 NORTH, RANGE 4 EAST OF THE SECOND - PRINCIPAL MERIDIAN, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER QUARTER SECTION; THENCE SOUTH ON AND ALONG THE EAST LINE THEREOF 16.5 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY LINE ROAD; SAID POINT ALSO BEING THE POINT OF BEGINNING OF

THIS DESCRIBED TRACT; THENCE CONTINUING SOUTH ALONG LAST SAID EAST LINE 26.27 FEET; THENCE SOUTH 88 DEGREES 01 MINUTES 45 SECONDS WEST 157.9 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF DEED RECORD 151, PAGE 16; THENCE NORTH ON AND ALONG LAST SAID WEST LINE 25.87 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY LINE ROAD; THENCE EAST ON AND ALONG LAST SAID SOUTH RIGHT-OF-WAY LINE 157.9 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, **CONTAINING 0.094 ACRES**, MORE OR LESS.

Section 2. The real estate shall be developed and used in conformance with the commitments set forth in the fifth “Whereas clause” above.

Section 3. The territory annexed by this Ordinance is hereby assigned to the Greenwood Common Council District One (1).

Section 4. The official zoning map referred to in the Greenwood Zoning Ordinance No. 82-1, as amended, shall reflect and the Greenwood Common Council states that upon the effective date of this annexation ordinance, the property within the above described annexation area is hereby zoned C-1 – Commercial – Neighborhood Shopping use.

Section 5. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

Section 6. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed by the Common Council of the City of Greenwood, Indiana, this ____ day of _____, 20__.

Ronald Bates, President
Greenwood Common Council

FOR:

AGAINST:

ATTEST:

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the ____ day of _____, 20____, is presented by me this ____ day of _____, 20____, at _____ O’Clock __.M., to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the ____ day of _____, 20____, is signed and approved by me this ____ day of _____, 20____, at _____ O’Clock __.M.

CHARLES E. HENDERSON, Mayor of
the City of Greenwood, Indiana